IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 373 OF 2005

IN

SECOND APPEAL NO. 813 OF 2002

Damu Ramji Lone & Ors.. ... ... Applicants.
Versus
Indubai wd/o Pandurang Khade & Ors.... Respondents.

-: MENTIONED. NOT ON BOARD :-

Mr. S. M. Mhamane for the Applicants.

None present for Respondents.

CORAM : A. S. OKA, J.

DATED : 19TH APRIL, 2005.

P.C.:

Shri Mhamane, learned Counsel appearing for the Applicants, pointed out that Respondent No.3-A is dead and therefore, there is no question of issuing fresh notice to Respondent No.3-A. He, therefore, submits that order dated 4th March, 2005 be recalled and civil application be permitted to be withdrawn. Accordingly, order dated 4th March, 2005 is recalled and the civil application is dismissed as withdrawn.

Sd/-

(A. S. OKA, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 375 OF 2005

IN

SECOND APPEAL NO. 813 OF 2002

Damu Ramji Lone & Ors.. ... ... Applicants.
Versus
Indubai wd/o Pandurang Khade & Ors.... Respondents.

-: MENTIONED. NOT ON BOARD :-

Mr. S. M. Mhamane for the Applicants.

None present for Respondents.

CORAM : A. S. OKA, J.

DATED : 19TH APRIL, 2005.

P.C.:

Shri Mhamane, learned Counsel appearing for the Applicants, states that in fact he intended to withdraw the Civil Application No. 376 of 2005 and he wanted to prosecute the present civil application. He, therefore, submits that order dated 1st April, 2005 be recalled and Rule may be issued in this civil application.

2. Hence, order dated 1st April, 2005 is recalled.

This Civil Application is restored to file.

3. Rule, returnable on 24th June, 2005. Till further orders, partition proceedings to go on. However, partition by metes and bounds shall not be effected.

Sd/-

(A. S. OKA, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 376 OF 2005

IN

SECOND APPEAL NO. 813 OF 2002

Damu Ramji Lone & Ors.. ... ... Applicants.

Versus

Indubai wd/o Pandurang Khade & Ors.... Respondents.

-: MENTIONED. NOT ON BOARD :-

Mr. S. M. Mhamane for the Applicants.

None present for Respondents.

CORAM : A. S. OKA, J.

DATED : 19TH APRIL, 2005.

P.C.:

On a prayer made by Shri Mhamane, learned Counsel appearing for the Applicants, in view of the order passed in Civil Application No. 375 of 2005, this civil application is dismissed as withdrawn.

Sd/-

(A. S. OKA, J.)